

JOHN M. SCAGNELLI, Partner
Chair, Environmental and Land Use Law Group
jscagnelli@scarincihollenbeck.com

January 4, 2013

BY E-MAIL AND REGULAR MAIL

Sara P. Flanagan, Esq.
Office of Regional Counsel
NJ Superfund Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

**Re: Township of Lyndhurst – Passaic River Mile 10.9 Sediment Removal Action
Riverside County Park
CERCLA Docket No. 02-2007-2009
Our File No. 41029.4000**

Dear Sarah:

We represent the Township of Lyndhurst. I am writing to respond to your January 2, 2013 e-mail regarding the setting up of a meeting between representatives of US EPA, Region 2, the Cooperating Parties Group (“CPG”) and the Township of Lyndhurst (“Township”) relating to the Passaic River Mile 10.9 Sediment Removal Action (“Removal Action”) off Riverside County Park in Lyndhurst. We reviewed the CPG’s Draft November 30, 2012 River Mile 10.9 Removal Action Pre-Final Design Report, Lower Passaic River Study Area (“Design Report”). We have several questions concerning the Design Report and are still waiting for answers from the CPG to the questions we raised in our enclosed October 9, 2012 letter to Ray Basso relating to the proposed Removal Action work.

1. The Township’s Questions In Our October 9, 2012 Letter to Ray Basso.

The Township requested a response to the following questions:

- The Township is concerned that the Removal Action activities not cause flooding in Riverside County Park and that the Park’s banks be protected and elevated to prevent flooding or other adverse impacts. The Township requested that the CPG provide a written statement explaining how the Removal Action activities will not cause flooding at the Park and/or the preventative measures the CPG’s engineers and contractors will

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take to prevent such flooding or other adverse impacts. The Township has not received a response to this request;

- The Township requested that the CPG's engineers discuss with the Township Engineer and Township construction officials the effects of the Removal Action activities upon the Township's pump station. The Township has not received a response to this request;
- The Township advised the CPG that it pay for the installation of backflow preventers on the storm drain outlets along the Passaic River bank around Riverside County Park to prevent contaminated sediments from backflowing into the Township's outfalls. The Township's Engineer, Neglia Engineering, prepared a September 20, 2012 Proposal for the installation of the backflow preventers which was attached to the October 9, 2012 letter to Mr. Basso. The Township has not received a response from the CPG to this request. We note that the CPG has now, in the Design Report, acknowledged the contaminated sediment issue by calling for the installation of Silt Curtains around the dredging operations area. See, Section 4.4.4 Silt Curtains, in the Design Report;
- The Township requested that the CPG provide a written statement of the specific Removal Action activities which the CPG wants to conduct in Riverside County Park in the area it has variously referred to as "construction support" and "shoreside support area". The Township has stated that it would review the CPG's request for such use of the Park area, once the specific activities are described and that the CPG will need to pay leasing fees to the Township for use of the Park area. The Township has not received a response to this request;
- The Township requested that the CPG provide a written statement of the restoration activities it will undertake following completion of the Removal Action, including, but not limited to, restoration activities related to its proposed use of Riverside County Park for staging construction support trailers, use of employee parking areas and use of the boat ramp. The Township has not received a response to this request.

2. The Township's Questions Concerning the Design Report.

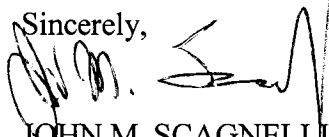
The Township has the following questions relating to the CPG's Draft November 30, 2012 Design Report:

- In Section 1.1, entitled Project Description, it is stated that the dredged materials will be transported by barge to a permitted stabilization facility and that the barge supernatant will be treated at an offshore facility. In Section 8.3, entitled Transportation Options, the Clean Earth Koppers Facility in Kearny, New Jersey and the Cashman Dredging and Marine Facility in Elizabeth, New Jersey are mentioned. Are these the facilities which have been selected for treatment/stabilization of the contaminated sediments and barge supernatant? Has US EPA Region 2 approved these facilities?

- In Section 4.5, entitled Waterside Site Requirements, the CPG states that a small portion of land in Riverside County Park adjacent to the removal area will be available for staging construction support trailers and a temporary dock. As noted above, the Township has requested that the CPG provide a written statement of those activities which the CPG wants to conduct in the Park including, but not limited to, a description of the decontamination activities it wants to conduct on shore and how wastes from such decontamination activities will be managed and disposed of. In addition, in Section 7.4, entitled, Cap Materials and Transport, it is stated that "the cap materials may come to the capping contractor's staging area via truck or barge and will be delivered to the capping site by barges." Please confirm that Riverside County Park will not be used to deliver and stage the capping materials for the Removal Action activities;
- In Section 7.8.3, entitled Noise, the CPG states that all capping activities will be completed in such a manner that the noise levels do not exceed the maximum noise contribution limits established for the Project. Since the Removal Action area, and Riverside Park are close to residential areas, the Township would like to discuss with the CPG the anticipated noise levels from the Removal Action activities and the efforts which the CPG will make to minimize noise, particularly since Section 4.3.7, entitled Hours of Operation, states that dredging operations are assumed to be a 12 hours per day, 6 days per week operation.

You have suggested that a meeting be held between representatives of US EPA Region 2, the CPG and the Township on either January 14 or January 15. While such a meeting could be scheduled on either of those days, the Township would like to receive confirmation from the CPG that it will receive answers to its questions either before or at the meeting before confirming the meeting scheduling.

We look forward to hearing from you.

Sincerely,

JOHN M. SCAGNELLI
For the Firm

Enclosures
JMS/as

cc: Robert B. Gangeruso, Mayor, Township of Lyndhurst (w/enclosures)
Richard J. DiLascio, Commissioner (w/enclosures)
Helen Polito, Township Clerk (w/enclosures)
Brian Intindola, Neglia Engineering (w/enclosures)
William Hyatt, Esq. (w/enclosures)
William Potter, Demaximis (w/enclosures)
Stephanie Vaughn, USEPA Region 2 (w/enclosures)
Sara Flanagan, Esq., USEPA Region 2 Office of Regional Counsel (w/enclosures)
Gary Cucchiara, Esq., Township Attorney (w/enclosures)

JOHN M. SCAGNELLI, Partner
Chair, Environmental and Land Use Law Group
jscagnelli@scarincihollenbeck.com

October 9, 2012

BY E-MAIL AND REGULAR MAIL

Raymond J. Basso, Director
Lower Passaic River Project
U.S. Environmental Protection Agency
Region 2
290 Broadway, 19th Floor
New York, New York 10007-1866

**Re: Township of Lyndhurst – Passaic River Mile 10.9 Sediment Removal Action
Riverside County Park
CERCLA Docket No. 02-2007-2009
Our File No. 41029.4000**

Dear Mr. Basso:

We represent the Township of Lyndhurst. On August 23, 2012, we participated in a meeting held at our firm's offices with you, other representatives of USEPA Region 2, and representatives of the Cooperating Parties Group (CPG) relating to the Passaic River Mile 10.9 Sediment Removal Action ("Removal Action") off Riverside County Park in Lyndhurst. During the meeting, we discussed the Township's concerns relating to the Removal Action outlined in Mayor Robert B. Giangeruso's attached July 6, 2012 letter, and you provided us with the CPG's draft August 2, 2012 River Mile 10.9 Removal Action Design Work Plan ("Work Plan") and Basis of Design Report (BOD Report).

The Township has completed its review of the Work Plan and BOD Report and has obtained design and cost information relating to installation of backflow preventers for the Passaic River storm drain outlets which are needed to protect the Lyndhurst storm drainage system from the sediment removal operation.

The Township's comments and concerns related to the Work Plan, BOD Report and as expressed at the August 23, 2012 meeting are set forth below.

- Section 1.3 of the Work Plan states that "Staging of capping materials may occur at the Riverside County Park and/or at a contractor staging area." During the August 23,

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2012 meeting, the CPG representatives advised that there would be no staging of capping materials at Riverside County Park. Please confirm that there will in fact be no staging of capping materials at Riverside County Park relating to the Removal Action and that this statement in the Work Plan will be removed;

- In Section 1.3 of the Work Plan and Section 4.3.5 of the BOD Report, it is stated that all untreated sediment from the RM 10.9 Removal Area will be sent to a waterside processing facility for sediment washing and/or stabilization at an appropriately permitted USEPA-approved disposal facility located within the Newark Bay area. During the December 18, 2012 Community Action Group (CAG) meeting in Newark, it was announced that sediment washing would not be used to treat the sediment removed from the RM 10.9 Removal Area, but that the removed sediment would instead be sent for stabilization to facilities in either Elizabeth or Jersey City. Please identify the specific facilities which will be used for treatment/stabilization of the removal sediment. The Township would like to know whether a USEPA approved facility in the Newark Bay area has been formally approved by USEPA Region 2 and contracted by the CPG to treat and stabilize the removed sediment;

- In Section 4.5 of the BOD Report, the CPG states that the tentative area shown in Figure 4-6 in Riverside County Park is assumed to be available for staging construction support trailers. During the August 23, 2012 meeting, CPG representatives stated that they wanted (i) to use the boat ramp at Riverside County Park to ferry people on and off equipment barges, (ii) that they wanted designated areas for employee parking and (iii) that light level decontamination activities would occur on shore. The Township would like CPG to provide a written statement of those activities which the CPG wants to conduct in Riverside County Park, including, but not limited to, a description of the light level decontamination activities it wants to conduct on shore and how wastes from such decontamination activities will be managed and disposed of. After the Township receives this information, it will review the CPG's request for such use of the Park area, which, if permitted, would require CPG's payment of leasing fees to the Township;

- Section 4.3.7 of the BOD Report states that dredging operations "will be assumed to be a 12-hours per day, six-days-per-week operation." The Township would like the CPG to provide a written statement of the number of barges per day anticipated to be loaded during the sediment removal operations and the hours of dredging operation anticipated. During the August 23, 2012 meeting, USEPA Region 2 representatives stated that Removal Action activities would commence on Memorial Day 2013 and end at the end of July 2013;

- As expressed in Mayor Giangeruso's July 6, 2012 letter, the Township is concerned that the Removal Action activities not cause flooding in Riverside County Park and that the Park's banks be protected and elevated to prevent flooding or other adverse impacts. The Township would like CPG to provide a written statement explaining how the Removal Action activities will not cause flooding at Riverside County Park and/or the preventative measures CPG's engineers and contractors will take to prevent such flooding or other adverse impacts;

- The Township requests that the CPG's engineers discuss with the Township Engineer and Township construction officials the effects of the Removal Action activities upon the Township's pump station;

- The Township's representatives advised during the August 23, 2012 meeting that the CPG must pay for the installation of backflow preventers on the storm drain outlets along the Passaic River bank around Riverside County Park to prevent contaminated sediments from backflowing into the Township's outfalls. Attached is Neglia Engineering's September 20, 2012 Proposal for installation of the backflow preventers.

- Neither the Work Plan or BOD Report discuss any restoration activities related to the RM 10.9 Removal Action. The Township would like the CPG to provide a written statement of the restoration activities it will undertake following completion of the Removal Action, including, but not limited to, restoration activities related to its proposed use of Riverside County Park for staging construction support trailers, use of employee parking areas and use of the boat ramp;

- The Township has also reviewed the Appendix D, Lower Passaic River Study Area, RM 10.9 Removal Action Statement of Work ("SOW"). Section II.B.2 of the SOW states that the 90% Pre-Final Design will include a number of deliverables. The Township wishes to review copies of the following deliverables before they are included in the 90% Pre-Final Design submitted to USEPA Region 2:

- Sediment Transport Plan;
- Sediment Offloading Plan;
- Sediment Treatment Plan;
- Process Water Treatment and Disposal Plan;
- Sediment Transport and Disposal Plan;
- Sediment Capping Plan;
- Long-term Monitoring and O&M Plan.

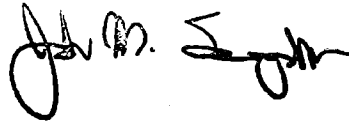
I would be pleased to arrange for further meetings/calls between Township and USEPA Region 2 and CPG representatives to discuss this requested information and related issues.

October 9, 2012

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We appreciate USEPA's consideration of the Township's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Scagnelli".

JOHN M. SCAGNELLI
For the Firm

Enclosures

cc: Robert B. Giangeruso, Mayor, Township of Lyndhurst
Township of Lyndhurst Board of Commissioners
Brian Intindola, Neglia Engineering
William Hyatt, Esq.
William Potter, Demaximis
Stephanie Vaughn, USEPA Region 2
Sara Flanagan, Esq., USEPA Region 2 Office of Regional Counsel
Gary Cucchiara, Esq., Township Attorney

**OFFICE OF THE MAYOR**

MAYOR
ROBERT B. GIANGERUSO
Department of Public Safety

July 6, 2012

BY E-MAIL AND REGULAR MAIL

Raymond J. Basso, Director
Lower Passaic River Project
U.S. Environmental Protection Agency
Region 2
290 Broadway, 19th Floor
New York, New York 10007-1866

COPY

Re: Township of Lyndhurst – Passaic River Sediment Removal Action
Riverside County Park
CERCLA Docket No. 02-2007-2009
Our File No. 41029.4000

Dear Mr. Basso:

I am the Mayor of the Township of Lyndhurst. I am writing on behalf of the Township Commissioners to express the Township's concerns relating to the Passaic River sediment removal action off Riverside County Park in Lyndhurst which EPA announced on June 18, 2012. We understand that EPA has reached agreement with 70 companies who will remove approximately 16,000 cubic yards of highly contaminated dioxin sediment from a half mile long area of the Passaic River adjacent to Riverside County Park.

The Township has previously expressed its concerns to EPA relating to this removal action and the effect of the sediment removal upon the Park and the Township. We understand that the 70 companies are required to submit a Removal and Capping Workplan/Basis of Design Report to EPA which will describe the specific removal action work. We request that EPA provide the Township with a copy of this Workplan for review and comment before it is finalized and any work is scheduled, so that the Township's concerns are addressed. These concerns include the following:

- That Riverside County Park not be used in any way for the staging, processing and disposal of the removed sediment;
- That the sediment removal activities not cause flooding in Riverside County Park and that the Park banks be protected and elevated to prevent flooding or other adverse impacts;



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OFFICE OF THE MAYOR

MAYOR
ROBERT B. GIANGERUSO
Department of Public Safety

- That back flow preventers be installed in the four stormwater outfalls in Riverside County Park to prevent contaminated sediments from backflowing into the outfalls;
- That the Jersey City Public Water supply lines and chlorination station in Riverside County Park not be negatively effected by the removal action activities;
- That the sediment removal activities take into account the upstream Route 3 bridge work which has narrowed and channelized Passaic River flow so that flooding conditions are not created in Riverside County Park;
- That the turf improvements under construction in Riverside County Park not be negatively affected by the removal action activities.

In addition to reviewing the Removal and Capping Workplan/Basis of Design Report, the Township of Lyndhurst requests that EPA schedule a meeting with representatives of the 70 companies conducting the removal action to discuss their proposed Workplan and the Township's concerns relating to that action.

We would like to have this meeting scheduled as soon as possible. Please contact my office to coordinate the scheduling of the meeting.

We appreciate EPA's consideration of the Township's concerns.

Sincerely,

ROBERT B. GIANGERUSO,

Mayor

cc: Township of Lyndhurst Board of Commissioners
George Pavlou, EPA Region 2 Deputy Regional Administrator
Elizabeth A. Butler, EPA Region 2 Remedial Project Manager

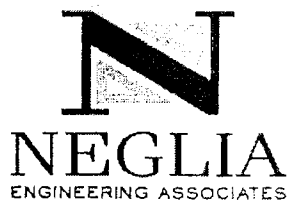


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OFFICE OF THE MAYOR

MAYOR
ROBERT B. GIANTERUSO
Department of Public Safety

Alice A. Yeh, EPA Region 2, Remedial Project Manager
Pat Hick, Esq., EPA Region 2
Gary J. Cucchiara, Esq.
John M. Scagnelli, Esq.
Helen Polito, Township Clerk
Thomas Solfaro, Township Engineer



September 20, 2012

Mayor and Commission
Township of Lyndhurst
367 Valley Brook Avenue
Lyndhurst, NJ 07071

Joseph E. Neglia, PE, PP, PLS
CEO, Chairman of the Board

Michael J. Neglia, PE, PP, PLS
President

Gregory Polyniak, PE, PP

Michael F. Berliner

Thomas R. Solfaro, PE, CME

Daniel Kaufman, PE, PP

Brian Intindola, PE

Joann Signa

Civil Engineering

Municipal Engineering

Landscape Architecture

Traffic Engineering

Planning

Land Surveying

Construction Management

RE: Passaic River-Remediation
Outlet Backflow Prevention
EPA Sediment Removal Action
Lyndhurst, NJ 07071

Honorable Mayor and Board of Commissioners:

Per the Township's request, Neglia Engineering Associates has determined the probable cost of installing backflow preventers for eleven (11) storm drain outlets along the easterly bank of Passaic River. The southerly limit of the area is roughly delineated by the DeJessa-Avondale Bridge with the northerly limit as NJTransit Rail Bridge.

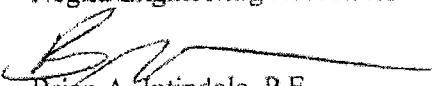
The intent of the back-flow preventers is to protect the Lyndhurst Storm Drainage System from the sediment removal operation just south and opposite the Third River.

Per the attached documentation, we have determined the following project costs:

- | | |
|---------------------------|---------------|
| • Engineering Fees | \$ 38,000.00 |
| • Permitting Fees | \$ 9,600.00 |
| • Construction Cost | \$ 85,000.00 |
| • Construction Management | \$ 10,200.00 |
| • Project Total | \$142, 800.00 |

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates


Brian A. Intindola, P.E.
For the Township Engineer
Township of Lyndhurst

Copy: Gary Cucchiara, Township Attorney

M:\Lyndhurst\LYNDADM12.001(Lyndhurst General 2012)\Correspondence\Tide Gates DeJessa to RR Bridge.doc

34 Park Avenue

PO Box 426

Lyndhurst, NJ 07071

Tel: 201.939.8805

Fax: 201.939.0846

www.negliaengineering.com

Outfall #12: Outfall #12 is a 4" ductile iron pipe that extends over the river bank. It is recommended that a Red Valve TF-2 slip-on check valve be installed. The estimated cost of the check valve is \$332.

Outfall #13: Outfall #13 is a 4" PVC pipe that is coming out of the ground near the river bank. It is recommended that the pipe be capped to prevent any backflow.

Outfall #14: Outfall #14 is a 15" reinforced concrete pipe that extends to the river bank. It is recommended that a Red Valve Checkmate Slip-In Inline Check Valve be installed. The cost of the check valve is \$3,213.

Outfall #15: Outfall #15 is a 12" reinforced concrete pipe that extends to the river bank. It is recommended that a Red Valve Checkmate Slip-In Inline Check Valve be installed. The estimated cost of the check valve is \$1,389.

Outfall #16: Outfall #16 is an 18" Corrugated metal pipe (CMP) that extends toward the river bank. It is recommended that a section of HDPE pipe be installed as a sleeve over the existing CMP and that a Red Valve Checkmate Slip-In Inline Check Valve be installed. The cost of the HDPE pipe sleeve and check valve is \$3,784.

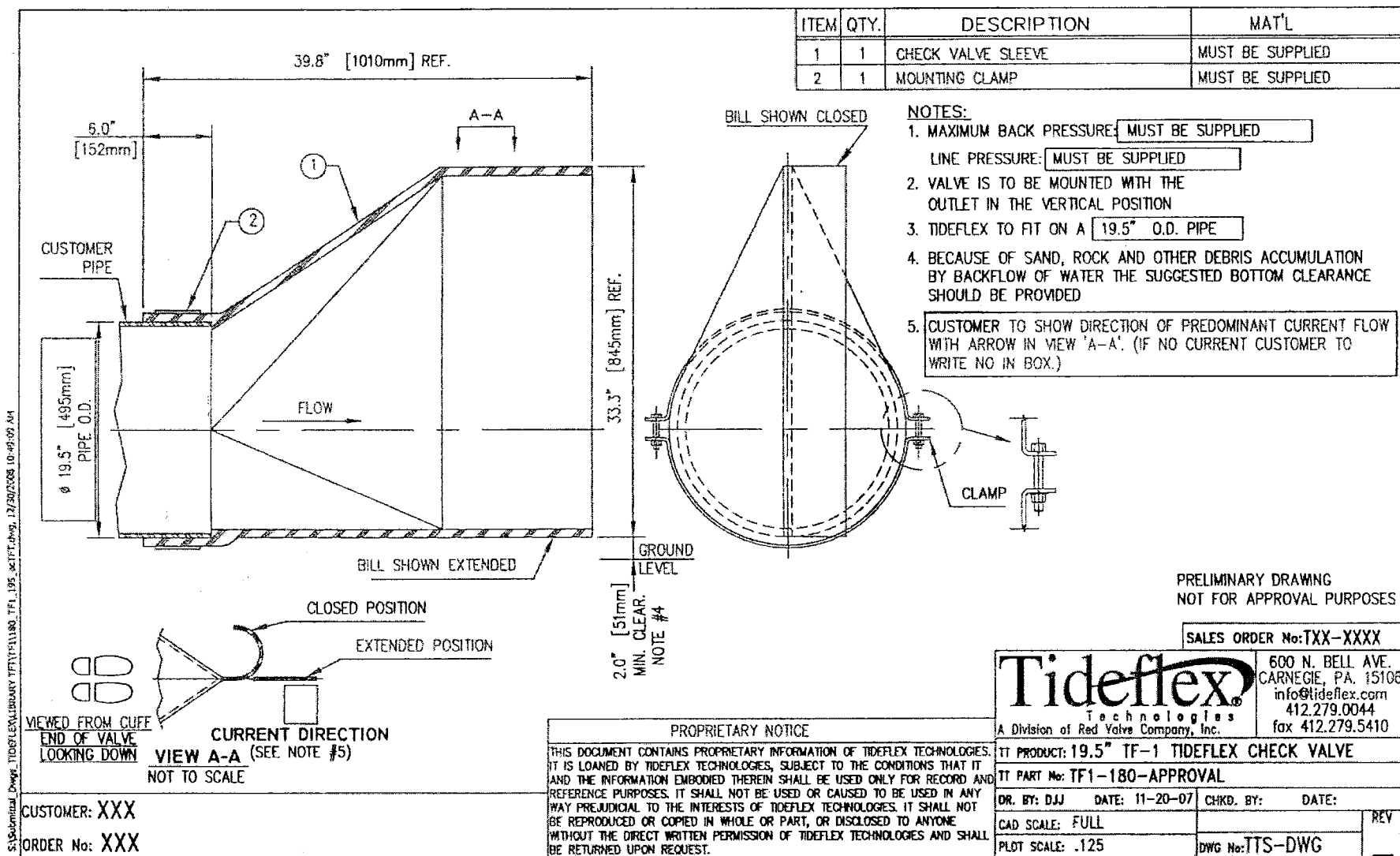
Outfall #17: Outfall #17 is 2 – 30" pipes at the river edge. One of the pipes has a tide gate while the second does not. It is recommended that a second tide gate or a Red Valve check valve be installed to prevent backflow from the river from entering the system.

Outfall #18: Outfall #18 is a 3'x5' pipe with a tide gate at the river edge. Upon inspection the tide gate looks to be clogged with debris. It is recommended that this tide gate be inspected and cleaned of any debris.

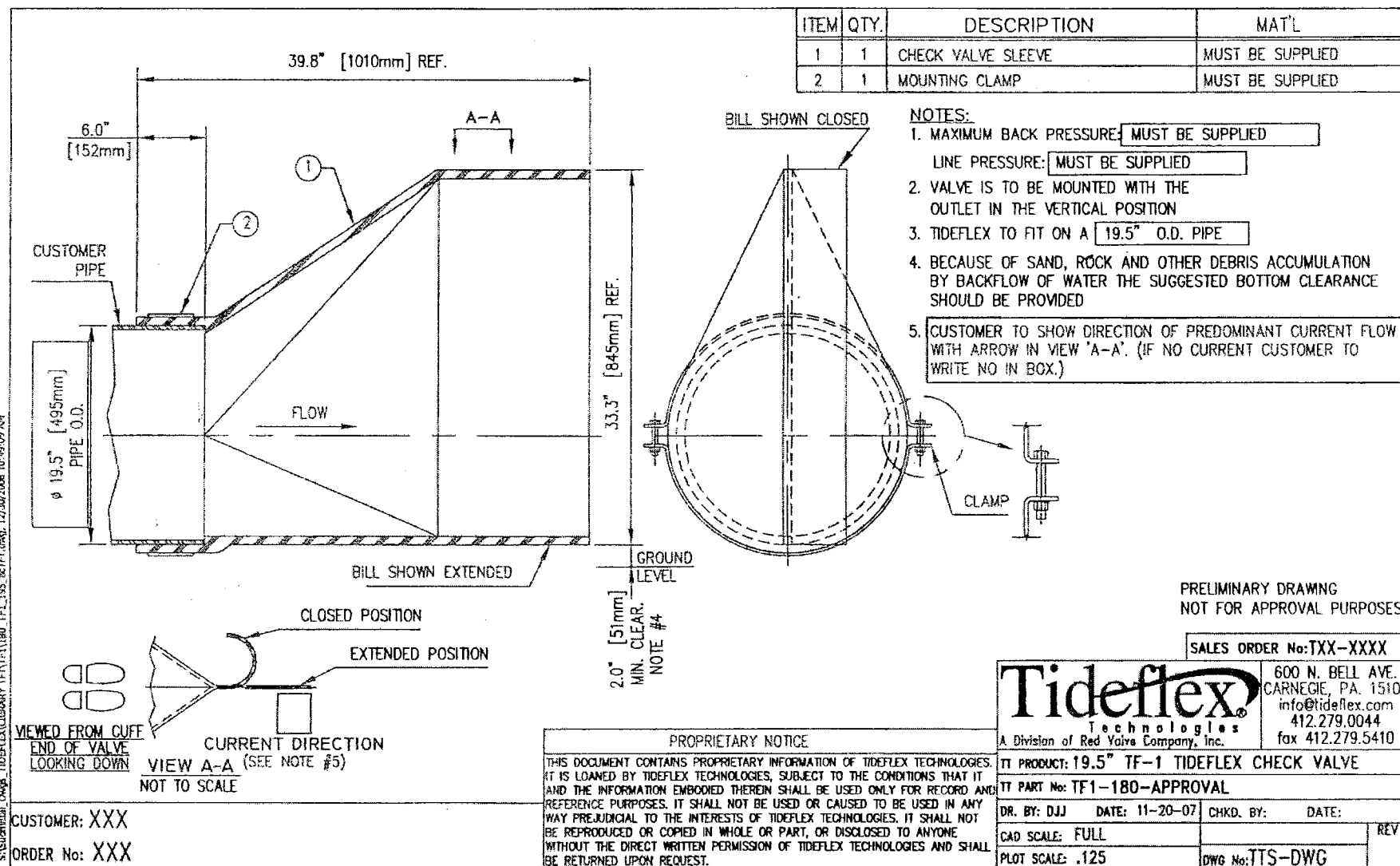
Outfall #19: Outfall #19 is 2 – 30" pipes with tide gates near the river edge, there is a chain link fence between the tide gates and the river which assists in keeping debris from blocking the tide gates.

Outfall #20: Outfall #20 is an 18" Corrugated metal pipe (CMP) that hangs over the river bank. It is recommended that a section of HDPE pipe be installed as a sleeve over the existing CMP and that a Red Valve Checkmate Slip-In Inline Check Valve be installed. The cost of the HDPE pipe sleeve and check valve is \$3,784.

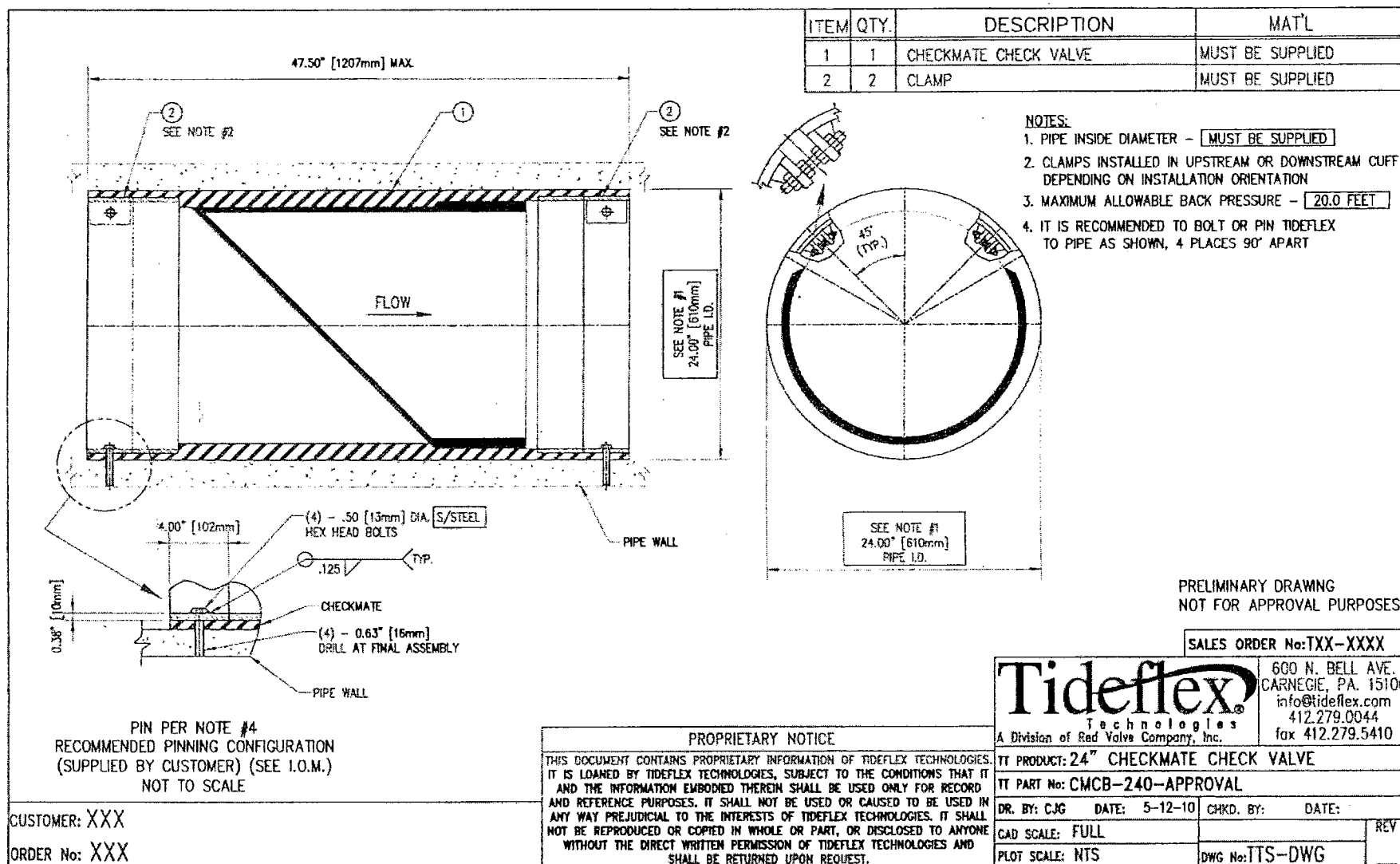
This alternative has a total cost of \$20,339.00 for the valves and an estimated \$20,000 for the cost of the labor and installation for a total cost of \$40,339.00. It is still necessary to determine whether the Outfall #17 30" pipe requires the installation of a check valve, this cost will be determined once we confirm that the pipe still has no flood gate installed.



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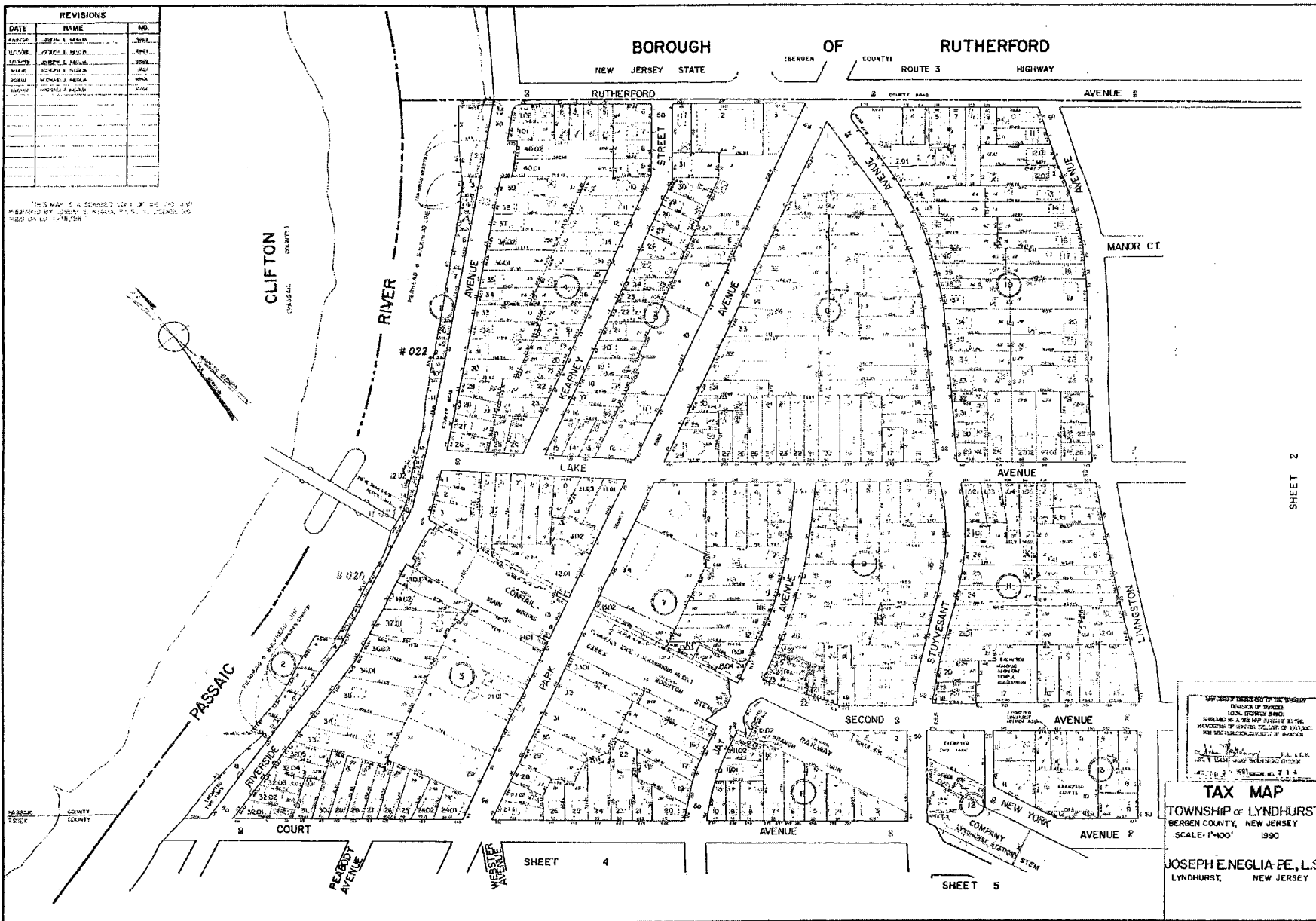


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THIS MAP IS A CORRECTED COPY OF THE 1990 TAX MAP
 PREPARED BY JOHN F. NEGLIA, L.S., LYNDHURST, NJ
 11/15/90



THIS MAP IS A CORRECTED COPY OF THE 1990 TAX MAP
 PREPARED BY JOHN F. NEGLIA, L.S., LYNDHURST, NJ
 11/15/90

TAX MAP
 TOWNSHIP OF LYNDHURST
 BERGEN COUNTY, NEW JERSEY
 SCALE: 1"=100' 1990

JOSEPH E. NEGLIA, P.E., L.S.
 LYNDHURST, NEW JERSEY

